

MARICOPA COUNTY CLERK OF SUPERIOR COURT

W1-103

In re Subflow Technical Report, San Pedro River Watershed

Doc. No	File Date	Document Description
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001	02-24-2003	ORDER SETTING CONFERENCE
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SUMMARY: The Special Master will hold a conference on April 10, 2003, to determine the scope of the Special Master's report to the Superior Court and the procedures to resolve the issues presented by the Arizona Department of Water Resources' Subflow Technical Report, San Pedro River Watershed, and the responses and objections filed by claimants.

CLAIMANT NO: None Given

PAGES: 7

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002	04-08-2003	JOINT APPLICATION FOR ORDER APPROVING WITHDRAWAL OF COUNSEL AND APPROVING SUCCESSOR COUNSEL <u>SUMMARY</u> : Joint application by the law firms of Snell & Wilmer, L.L.P., and Bryan Cave, L.L.P. and DeConcini McDonald Yetwin & Lacy, P.C., for approval of the withdrawal of Snell & Wilmer, L.L.P., as counsel for BHP Copper Inc. and for approval of Bryan Cave, L.L.P., and DeConcini McDonald Yetwin & Lacy, P.C., as successor counsel. <u>CLAIMANT NO</u> : 39-11-0003142, et al. <u>PAGES</u> : 6
003	04-17-2003	MINUTE ENTRY <u>SUMMARY</u> : On April 10, 2003, the court has reviewed all reports and pleadings and presents the following procedure for consideration by all the parties: 1) Need, if any, for oral argument on responses and objections to the Report. 2) Use of rebuttal declarations from expert witnesses. 3) Cross-examination of the reports. 4) Briefing of the legal issues. Future hearings would be held in a larger courtroom at Central Court Building. The Court stated the report that will be sent to Judge Ballinger would cover subflow, the cone depression test, and <i>de minimis</i> issues. The Court will identify the issues, a briefing schedule will be set and a formal order will be sent out. <u>CLAIMANT NO</u> : Not Applicable <u>PAGES</u> : 5
004	04-25-2003	ORDER <u>SUMMARY</u> : The Special Master sets a briefing schedule for legal issues and schedules a hearing on October 21 and 22, 2003, for the cross-examination of witnesses who have made sworn declarations. <u>CLAIMANT NO</u> : None Given <u>PAGES</u> : 9
005	05-05-2003	ORDER APPROVING REQUEST TO A WITHDRAW AS COUNSEL AND APPROVING SUCCESSOR COUNSEL <u>SUMMARY</u> : IT IS HEREBY ORDERED that the law firm of Snell & Wilmer, L.L.P., be and hereby is authorized to withdraw as counsel of record of BHP Copper Inc. (fkn Magma Copper Company) in these proceedings. IT IS FURTHER ORDERED that the law firms of Bryan Cave, L.L.P. and Deconcini, McDonald, Yetwin & Lacy, P.C., be and hereby is authorized to appear as counsel of record for BHP Copper Inc. and the the law firms Court-approved mailing list in this matter. <u>CLAIMANT NO</u> : None given <u>PAGES</u> : 2
006	06-06-2003	BELLA VISTA WATER CO., INC. AND PUEBLO DEL SOL WATER CO. BRIEF OF LEGAL ISSUES IDENTIFIED BY THE SPECIAL MASTER IN HIS MINUTE ENTRY DATED APRIL 25, 2003. <u>SUMMARY</u> : Bella Vista Water Co., Inc. and Pueblo Del Sol Water Co., file their Brief on the issues listed by the Special Master in the Minute Entry dated April 25, 2003. <u>CLAIMANT NO</u> : 39-11-2739, et al. <u>PAGES</u> : 11

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007	06-06-2003	CITIES' BRIEF RE: SHOULD ADWR'S SUBFLOW ANALYSIS CONSIDER PREDEVELOPMENT OR CURRENT STREAM CONDITIONS? <u>SUMMARY</u> : The Cities of Chandler, Glendale, Mesa and Scottsdale ("Cities") submit their brief regarding whether the Arizona Department of Water Resources ("ADWR") subflow analysis should consider predevelopment of current stream conditions. <u>CLAIMANT NO</u> : 39-L8-37521, et al. <u>PAGES</u> : 7
008	06-06-2003	BHP COPPER INC.'S BRIEF RE: LEGAL ISSUES IDENTIFIED IN SPECIAL MASTER'S ORDER OF APRIL 25, 2003 <u>SUMMARY</u> : BHP Copper Inc. submits its briefing on certain legal issues identified in the Order of the Special master dated April 25, 2003. <u>CLAIMANT NO</u> : 39-11-0003142, et al. <u>PAGES</u> : 8
009	06-06-2003	ASARCO INCORPORATED'S, ARIZONA WATER COMPANY'S, AND TUCSON ELECTRIC POWER COMPANY'S SUPPLEMENTAL BRIEF ON SUBFLOW-RELATED ISSUES DESIGNATED BY THE SPECIAL MASTER <u>SUMMARY</u> : ASARCO Incorporated, Arizona Water Company, and Tucson Electric Power Company submit their supplemental brief on subflow-related issues designated by the Special Master in his Order Setting Briefing Schedule and Hearing (April 25, 2003). <u>CLAIMANT NO</u> : 39-U8-62699, et al. <u>PAGES</u> : 4
010	06-06-2003	NOTICE OF INTENT TO PARTICIPATE IN SUBFLOW PROCEEDINGS AND JOINDER IN OBJECTIONS AND SUPPLEMENTAL BRIEF FILED BY ARIZONA PUBLIC SERVICE COMPANY AND PHELPS DODGE CORPORATION <u>SUMMARY</u> : Roosevelt Water Conservation District files its Notice of Intent to Participate in Subflow Proceedings and Joinder in Objections and Supplemental Brief filed by Arizona Public Service Company and Phelps Dodge Corporation. <u>CLAIMANT NO</u> : 39-3421, et al. <u>PAGES</u> : 3
011	06-06-2003	ARIZONA PUBLIC SERVICE COMPANY'S AND PHELP'S DODGE CORPORATION'S SUPPLEMENTAL BRIEF ON SUBFLOW LEGAL ISSUES <u>SUMMARY</u> : Arizona Public Service Company and Phelps Dodge Corporation submit a supplemental brief addressing two legal issues identified by the Special Master in his April 25, 2003 Order: (1) whether ADWR should report the cumulative effect of wells or a group of wells and (2) whether ADWR's findings should be reported in case-by-case supplemental HSRs or in a comprehensive supplemental San Pedro River Watershed HSR. <u>CLAIMANT NO</u> : 39-34900, et al. <u>PAGES</u> : 11
012	06-06-2003	APACHE TRIBES' MEMORANDUM ADDRESSING LEGAL ISSUES RE SUBFLOW TECHNICAL REPORT, SAN PEDRO RIVER WATERSHED <u>SUMMARY</u> : Apache Tribes' Memorandum Addressing Legal Issues re Subflow Technical Report, San Pedro River Watershed. <u>CLAIMANT NO</u> : 39-07-12676, et al. <u>PAGES</u> : 28

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013	06-06-2003	SALT RIVER PROJECT'S OPENING BRIEF ON LEGAL ISSUES <u>SUMMARY:</u> The Salt River Project submits its opening brief on legal issues associated with the implementation of the court decisions on "subflow." <u>CLAIMANT NO:</u> 39-07-1040, et al. <u>PAGES:</u> 15
014	06-06-2003	COMMENTS TO QUESTIONS RAISED BY THE SPECIAL MASTER IN ORDER DATED APRIL 25, 2003 <u>SUMMARY:</u> The City of Safford, Paloma Irrigation and Drainage District, Rio Rico Properties, Inc., and Valory Strausser submit comments to questions raised by the Special Master in Order dated April 25, 2003. <u>CLAIMANT NO:</u> 39-U8-63161, et al. <u>PAGES:</u> 9
015	06-12-2003	UNITED STATES' MEMORANDUM ON LEGAL ISSUES RELATED TO ADWR'S SUBFLOW TECHNICAL REPORT <u>SUMMARY:</u> This is the United States' response to the legal issues presented by the Special Master in an Order dated April 25, 2003. <u>CLAIMANT NO:</u> None Given <u>PAGES:</u> 9
016	06-06-2003	GILA RIVER INDIAN COMMUNITY'S OPENING MEMORANDUM ON LEGAL ISSUES: IN RE SUBFLOW TECHNICAL REPORT, SAN PEDRO RIVER WATERSHED <u>SUMMARY:</u> The Gila River Indian Community submits its Opening Memorandum on Legal Issues: In Re Subflow Technical Report, San Pedro River Watershed. <u>CLAIMANT NO:</u> 39-11-54-78, et al. <u>PAGES:</u> 26
017	06-24-2003	UNITED STATES' REQUEST FOR CLARIFICATION RE: DISCOVERY <u>SUMMARY:</u> The United States seeks clarification of the Special Master's April 25, 2003, Scheduling Order ("Scheduling Order"). The United States requests a determination by the Special Mater that additional discovery, other than the disclosure of Expert Witness Reports and their rebuttal reports, is not permitted. <u>CLAIMANT NO:</u> None Given <u>PAGES:</u> 5
018	06-26-2003	BHP COPPER INC.'S EXPERT DECLARATION PURSUANT TO SPECIAL MASTER'S ORDER OF APRIL 25, 2003. <u>SUMMARY:</u> BHP Copper Inc. submits its expert's declaration addressing matters identified in the Order of the Special master dated April 25, 2003. <u>CLAIMANT NO:</u> 39-11-0003142, et al. <u>PAGES:</u> 34
019	06-27-2003	CONSOLIDATED CONTESTED CASE W1-103 (In re Subflow Technical Report, San Pedro River Watershed) HSR Involved None <u>SUMMARY:</u> Notice of Bella Vista Water Co., Inc. and Pueblo Del Sol Water Co., Filing of Rebuttal Declaration of Michael J. Lacey. <u>CLAIMANT NO:</u> 39-11-2739, et al. <u>PAGES:</u> 2

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020	06-27-2003	CONSOLIDATED CONTESTED CASE W1-103 (In re Subflow Technical Report, San Pedro River Watershed) HSR Involved None <u>SUMMARY:</u> Rebuttal Declaration of Michael j. Lacey <u>CLAIMANT NO:</u> 39-11-2739, et al. <u>PAGES:</u> 4
021	06-30-2003	UNITED STATES' NOTICE OF FILING REBUTTAL DECLARATION RE SUBLFLOW <u>SUMMARY:</u> This is the United States' notice of filing of the rebuttal declaration of Oliver S. Pages regarding issues of subflow pursuant to the Special Master's Order dated April 25, 2003. <u>CLAIMANT NO:</u> None Given <u>PAGES:</u> 2
022	06-27-2003	GILA RIVER INDIAN COMMUNITY'S NOTICE OF FILING EXPERT WITNESS REBUTTAL REPORTS, UNDER SEAL, OF T. ALLEN J. GOOKIN, P.E., R.L.S., R.H., AND PETER A. MOCK, PH.D., R.G. PERTAINING TO THE ISSUES DEALING WITH SUBFLOW AND CONES OF DEPRESSION <u>SUMMARY:</u> The Gila River Indian Community hereby gives notice that it has submitted expert witness rebuttal reports, under seal, authored by T. Allen J. Gookin, P.E., R.L.S., R.H., and Peter A. Mock, Ph.D., and R.G., pertaining to the issues dealing with subflow and cones of depression. <u>CLAIMANT NO:</u> 39-11-54-78, et al. <u>PAGES:</u> 2
023	06-27-2003	ARIZONA PUBLIC SERVICE COMPANY'S AND PHELPS DODGE CORPORATION'S NOTICE OF FILING EXPERT REBUTTAL REPORT <u>SUMMARY:</u> Arizona Public Service Company and Phelps Dodge Corporation submit their Expert Rebuttal Report. <u>CLAIMANT NO:</u> 39-34900, et al. <u>PAGES:</u> 2; Attachments: 35
024	06-27-2003	CITIES' REBUTTAL DECLARATION <u>SUMMARY:</u> The Cities of Chandler, Glendale, Mesa and Scottsdale ("Cities") submit the Rebuttal Declaration of their expert Doug Toy, P.E. <u>CLAIMANT NO:</u> 39-L8-37521, et al. <u>PAGES:</u> 5
025	06-27-2003	SALT RIVER PROJECT'S SUBMITTAL OF REBUTTAL EXPERT AFFIDAVIT <u>SUMMARY:</u> The Salt River Project provides notice of and submits the rebuttal affidavit of its expert, Jon Ford, regarding issues associated with the implementation of the court decisions on "subflow". <u>CLAIMANT NO:</u> 39-07-1040, et al. <u>PAGES:</u> 2; Attachments: 26
026	07-06-2003	SALT RIVER PROJECT'S JOINDER IN UNITED STATES' REQUEST FOR CLARIFICATION RE: DISCOVERY <u>SUMMARY:</u> The Salt River Project joins in the United States' June 20, 2003 request for clarification regarding the applicable rules and guidelines, if any, for discovery in this matter. <u>CLAIMANT NO:</u> 39-07-1040, et al. <u>PAGES:</u> 5

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027	07-10-2003	GILA RIVER INDIAN COMMUNITY'S STATEMENT OF SUPPORT FOR THE UNITED STATES' REQUEST FOR CLARIFICATION RE: DISCOVERY <u>SUMMARY:</u> The Gila River Indian Community submits its Statement of Support for the United States' Request for Clarification re: Discovery. <u>CLAIMANT NO:</u> 39-11-54-78, et al. <u>PAGES:</u> 3
028	07-14-2003	APACHE TRIBES' JOINDER IN UNITED STATES AND SALT RIVER PROJECT'S REQUEST FOR CLARIFICATION RE: DISCOVERY <u>SUMMARY:</u> Apache Tribes' Joinder in United States and Salt River Project's Request for Clarification Re: Discovery <u>CLAIMANT NO:</u> 39-07-12676, et al. <u>PAGES:</u> 2
029	07-16-2003	ASARCO INCORPORATED'S RESPONSE TO SUPPLEMENTAL MEMORANDA ON SUBFLOW-RELATED ISSUES DESIGNATED BY THE SPECIAL MASTER <u>SUMMARY:</u> ASARCO Incorporated responds to the supplemental memoranda on subflow-related issues designated by the Special Master in his Order Setting Briefing Schedule and Hearing (April 25, 2003). <u>CLAIMANT NO:</u> 39-U8-62699, et al. <u>PAGES:</u> 81
030	07-16-2003	SALT RIVER PROJECT'S RESPONSIVE BRIEF ON LEGAL ISSUES <u>SUMMARY:</u> The Salt River Project submits its responsive brief on legal issues associated with the implementation of the court decisions on "subflow." <u>CLAIMANT NO:</u> 39-07-1040, et al. <u>PAGES:</u> 13
031	07-16-2003	ARIZONA PUBLIC SERVICE COMPANY'S AND PHELPS DODGE CORPORATION'S RESPONSE TO SUPPLEMENTAL BRIEFS ON SUBFLOW LEGAL ISSUES <u>SUMMARY:</u> Arizona Public Service Company and Phelps Dodge Corporation respond to supplemental briefs filed by various parties on subflow legal issues specified by the Special Master. <u>CLAIMANT NO:</u> 39-34900, et al. <u>PAGES:</u> 21
032	07-16-2003	JOINDER IN SUBFLOW RESPONSE BRIEF FILED BY ARIZONA PUBLIC SERVICE COMPANY AND PHELPS DODGE CORPORATION <u>SUMMARY:</u> Roosevelt Water Conservation District files its Joinder in the subflow response brief filed this date by Arizona Public Service Company and Phelps Dodge Corporation. <u>CLAIMANT NO:</u> 39-3421, et al. <u>PAGES:</u> 2
033	07-16-2003	BHP COPPER INC.'S RESPONSEIVE BRIEF RE: LEGAL ISSUES IDENTIFIED IN SPECIAL MASTERS' ORDER OF APRIL 25, 2003 <u>SUMMARY:</u> BHP Copper Inc. submits its responsive brief re: legal issues Identified in Special Master's Order of April 25, 2003. <u>CLAIMANT NO:</u> 39-11-0003142, et al. <u>PAGES:</u> 4

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034	07-16-2003	CITIES' RESPONSE TO OPENING MEMORANDUMS RE: LEGAL ISSUES IDENTIFIED BY SPECIAL MASTER'S APRIL 25, 2003 ORDER <u>SUMMARY</u> : The Cities of Chandler, Glendale, Mesa and Scottsdale ("Cities") submit their response to the opening memorandums regarding legal issues identified by special master's April 25, 2003 Order. <u>CLAIMANT NO</u> : 39-L8-37521, et al. <u>PAGES</u> : 13; Attachments: 4
035	07-16-2003	CONSOLIDATED RESPONSE TO MEMORANDA ON LEGAL ISSUES RE SUBFLOW TECHNICAL REPORT <u>SUMMARY</u> : The City of Safford, Paloma Irrigation and Drainage District and Rio Rico Properties, Inc., file the Consolidated Response to Memoranda on Legal Issues re Subflow Technical Report. <u>CLAIMANT NO</u> : 39-U8-63161, et al. <u>PAGES</u> : 10
036	07-16-2003	APACHE TRIBES' CONSOLIDATED RESPONSE TO CERTAIN PARTIES' MEMORANDA ADDRESSING LEGAL ISSUES RE SUBFLOW TECHNICAL REPORT, SAN PEDRO RIVER WATERSHED <u>SUMMARY</u> : Apache Tribes' Consolidated Response to Certain Parties' Memoranda Addressing Legal Issues re Subflow Technical Report, San Pedro River Watershed. <u>CLAIMANT NO</u> : 39-07-12676, et al. <u>PAGES</u> : 12
037	07-17-2003	UNITED STATES' RESPONSE MEMORANDUM ON LEGAL ISSUES RELATED TO ADWR'S SUBFLOW TECHNICAL REPORT <u>SUMMARY</u> : The United States' response to memoranda submitted by various parties and addressing the legal issues presented by the Special Master in an Order dated April 25, 2003. <u>CLAIMANT NO</u> : None Given <u>PAGES</u> : 10
038	07-17-2003	GILA RIVER INDIAN COMMUNITY'S CONSOLIDATED RESPONSE TO OPENING MEMORANDA ON LEGAL ISSUES: IN RE SUBFLOW TECHNICAL REPORT, SAN PEDRO RIVER WATERSHED <u>SUMMARY</u> : The Gila River Indian Community submits its Consolidated Response to Opening Memoranda on Legal Issues: In Re Subflow Technical Report, San Pedro River Watershed. <u>CLAIMANT NO</u> : 39-11-54-78, et al. <u>PAGES</u> : 28
039	07-17-2003	MOTION BY GILA RIVER INDIAN COMMUNITY TO FILE ITS CONSOLIDATED RESPONSE TO OPENING MEMORANDA ON LEGAL ISSUES: IN RE SUBFLOW TECHNICAL REORT, SAN PEDRO RIVER WATERSHED, ONE DAY LATE <u>SUMMARY</u> : The Gila River Indian Community submits a Motion to File its Consolidated Response to Opening Memoranda on Legal Issues: in Re Subflow Technical Report, San Pedro River Watershed, one day late. <u>CLAIMANT NO</u> : 39-11-54-78, et al. <u>PAGES</u> : 3